

**STATE OF INDIANA – COUNTY OF MADISON
IN THE CIRCUIT COURT (Divisions 1-6)**

**Notice of Amendment to Local Court Rules on Writ of Body Attachment
Rule, Section B
May 24, 2016**

In accordance with Trial Rule 81 of the Indiana Rules of Court, the Madison Circuit Courts hereby give notice to the bar and the public that the Courts propose to amend the existing local rule concerning **Writs of Body Attachment** at **LR48-TR64-29**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

The time period for the bar and the public to comment will begin on **May 25, 2016**, and will close on **June 24, 2016**.

Persons with Internet access may view the proposed amended local rule at the following website: <http://www.in.gov/judiciary/madison/>.

Notice has been given to the public on the website of the Madison County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Madison County Bar Association. Comments may be made to: The Circuit Court Administration, 16 E. 9th Street, Suite 417, Anderson, IN 46016 and by email to: jhunter@madisoncounty.in.gov.

This rule amendment will be effective on **June 25, 2016**.
For the Circuit Court of Madison County:

Angela Sims, Judge
Circuit Court – Division 1

G. George Pancol, Judge
Circuit Court – Division 2

Thomas Newman, Jr., Judge
Circuit Court – Division 3

David A. Happe, Judge
Circuit Court – Division 4

Thomas Clem, Judge
Circuit Court – Division 5

Mark Dudley, Judge
Circuit Court, Division 6

LR48-TR64-29 Writs of Body Attachment

A. Requests for Body Attachments – An application for a writ of body attachment must be sworn or verified and include the following:

1. An allegation that the target of the body attachment failed to appear at a hearing to show cause why the target should not be held in contempt for failure to appear at a prior hearing,
2. An allegation that the target of the body attachment received service of the order to show cause, including the date and manner of service,
3. The amount of the judgment still owing at the time the body attachment is requested, and
4. Only if service of the order to appear at the show cause hearing was not by personal service, and the service address was neither an address where the party has previously received good service in this case nor an address provided to the Court by the party, an allegation explaining how the service address is known to be the party's actual address.

The party seeking the body attachment must also complete a civil warrant information sheet on forms provided by the Clerk before a Writ of Body Attachment can be issued.

B. Expiration of Writs of Body Attachment - A writ of body attachment expires ~~180 days~~ 2 years after its issuance. An expired writ may be reissued ~~upon written request referencing and reaffirming the allegations contained in the original request.~~ only upon good faith information being presented to the court justifying legitimate reasons for renewal.

C. Proceedings Supplemental Stop While Body Attachment Outstanding – After the issuance of a body attachment for a party against whom a judgment has been rendered, no further hearings or other collection proceedings shall be scheduled for that party, nor shall any order garnishing wages issue until such time as the writ of body attachment is withdrawn, executed, or expires. This rule shall not prevent either attachments of the party's assets or third-party discovery related to the party's income or assets.